

Resolution No. 16-470
Introduced: February 26, 2008
Adopted: March 4, 2008

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

By: County Council

SUBJECT: Approval of Planning Board Regulation 08-1, an Amendment to the Planning Board Rules of Procedure – Regulation 07-1

Background

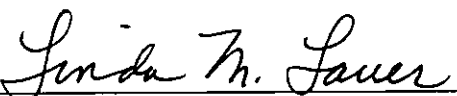
1. The Planning Board Rules of Procedure implemented changes to the Zoning Ordinance adopted in ZTA 05-20 and ZTA 07-05. The Rules are intended to ensure fair and impartial treatment of each applicant, respondent, or person who is interested in or may be aggrieved by the action; promote the orderly and efficient conduct of public proceedings convened to decide such matters; and comply with applicable federal, state, and local laws.
2. This amendment to the Rules of Procedure allows the Planning Director to correct typographic errors in Planning Board resolutions under certain circumstances.
3. On December 14, 2007, following a public hearing and a work session, the Planning Board unanimously adopted the amendment to the Rules of Procedure. The regulation was forwarded to Council for approval by a memorandum dated January 28, 2008.
4. The Council reviewed the regulation under method (2) of County Code §2A-15.
5. Under method (2), if the Council does not approve or disapprove a regulation within 60 days after the Council receives the regulation, the regulation automatically takes effect.
6. On February 25, 2008, the Planning, Housing, and Economic Development Committee reviewed Planning Board Regulation 08-1, an amendment to the Planning Board Rules of Procedure - Regulation 07-1, and recommended approval.

Action

The County Council for Montgomery County Maryland approves the following resolution:

The Council approves Planning Board Regulation 08-1, an amendment to the Planning Board Rules of Procedure – Regulation 07-1.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY PLANNING BOARD REGULATION

M-NCPPC • 8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject RULES OF PROCEDURE FOR CONDUCT OF HEARINGS – Amendment Regulation 07-01	Number 08-1
Originating Department LEGAL/DEVELOPMENT REVIEW	Effective Date March 4, 2008

Montgomery County Planning Board Regulation on Rules of Procedure for Conduct of Hearings before the Planning Board

Issued by: Montgomery County Planning Board

Regulation No. 08-1

Authority: Sec. 59-D.3.9 of the Zoning Ordinance, as amended by ZTA 05-20

Amends: Rules of Procedure – Regulation 07-01

Council Review: Method 2

Register Vol. No. NA

Comment Deadline: NA

Effective Date: March 4, 2008

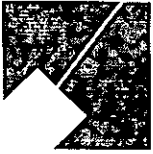
Sunset Date: None

SUMMARY: On January 25, 2007, following public hearing and several work sessions, the Planning Board unanimously adopted revised Rules of Procedure. The Rules apply to the Planning Board's conduct of hearings to any application for the approval or amendment of a project plan, binding pre-preliminary plan, preliminary plan of subdivision, site plan, record plat, special building permit, forest conservation plan, or water quality plan. The Rules also apply to hearings on alleged violations of Commission-approved plans. Finally, the Rules guide the Planning Board's conduct of all other matters, as appropriate. The attached language recommends an amendment to the approved Rules of Procedure.

ADDRESS: Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

STAFF CONTACT: Rose Krasnow, Chief of Development Review

BACKGROUND INFORMATION: This amendment to the Rules of Procedure establishes a process for correcting typographical errors in resolutions for regulatory cases. It creates a process that enables such errors to be corrected in a timely, yet transparent, manner.



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CHAPTER IV: RULES OF PROCEDURE FOR PUBLIC HEARING

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4.11 Board Vote and Resolution.

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4.11.4 Correcting Errors in Resolutions. Any Party may notify the Development Review Division in writing that a Resolution contains an error. After the Board adopts a Resolution, the Planning Director may note any error in the Resolution and, with the exception of typographical errors, must promptly report the error to the Board and place a corrected Resolution on the Board's Consent Agenda. Typographical errors may be corrected by issuance of a corrected Resolution approved by the Planning Director under the following process:

- a. The lead reviewer, after verifying that a typographical error was made, must document the error in a cover memo to the Planning Director and recommend a correction.
- b. The Planning Director must approve or disapprove the lead reviewer's recommendation.
- c. If the Planning Director disapproves the recommendation because the error is more than a typographical error, the corrected resolution may be placed on the Board's Agenda.
- d. If the Planning Director approves the recommendation:
 - (1) The written approval must be placed in file of the Application;
 - (2) A digital copy of the approval must be included in the digital file of the Application;
 - (3) A redlined copy of the revised Resolution must be mailed to all Parties for their information, and
 - (4) The Technical Writers must keep the official copy of the corrected Resolution.

The Planning Director must present a monthly report to the Board indicating each typographical correction approved by the Planning Director in the previous month, and provide a copy of the report to the Office of the General Counsel.

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